AN EMPIRICAL STUDY OF THE STATUS OF INDIGENOUS TRIBES IN INDIA WITH REFERENCE TO INTERNATIONAL GUIDELINES

A Synopsis

of proposed plan of research work of

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THEORETICAL BACKGROUND

INTRODUCTION

Individuals associations with outer nature have consistently been organized through physical and social methods, and distinctive culture and civic establishments have encapsulated these convictions in their political, monetary, social and social practices. The nearby and complex connections between human life and regular habitat have frequently been disregarded in the talk of the mankind's history, which have consistently been increasingly centered more around the political and social components of human life. In a way breaking book on Indian's natural history, "THE FISSURED ISLAND" Madhav Gadgil and Ramachandra Guha, see that the most significant lacuna in existing grant is lacking worry of the biological framework of human culture and continue to fill this hole by diagramming the course of India's environmental history from pre-notable time to introduce day.

The all out condition is remembered for the controlled and uncontrolled condition. The man has power over a piece of the earth and which isn't amendable to his control is uncontrolled condition. The uncontrolled condition is also called the topographical condition to which man attempts to adjust and change himself. The controlled condition is also called the social condition. The two kinds of condition straightforwardly or in a roundabout way impacts over characters, customs, shows, convictions, restrictions and other business techniques of human culture uncommonly of clans. It is accepted that as far as possible the way of life. It's not possible for anyone to overlook the effect of nature on life, culture and interrelation and reliance among man and his condition. Woodland is one of the significant components of condition. Woodland has been related with the early life if humankind where they utilized backwoods assets professionally, where they trained plants and included before type of horticulture and step by step moved away from social affair and chasing to propel the essential methods of

means. The inborn individuals have contrived intends to live off the abundance of the earth while as yet keeping up its environmental parity. At the point when they are tweaked out of their common habitat and the earth is itself exposed to transforms it influences all types of life including people who are intensely subject to the nature for God. The nature is not, at this point ready to help the tribals in a way that it was utilized to, as the backwoods itself has been exposed to the desolates of voracious timber hungry individuals.

The tribals are prominently heard as the watchmen of the timberland and its assets. It is on the grounds that nobody can care for their woods and condition better than ethnic individuals on the grounds that their endurance and character rely upon it. They are commonly the best conversationalist and they have dealt with their cultivable land for some ages. Farming is a lot of a piece of the ancestral culture in the upper east India and Jhum or Moving development or cut and consume is one of the crude acts of development. Because of conventional convictions, the individuals of Upper east India has kept up this training in the district yet the impacts of Jhum development are annihilating and sweeping in corrupting the earth and nature of these locales. Prior cut and consume horticulture was the way toward developing harvests generally by the innate of sloping areas of Upper east India. Yet, the act of customary development is halfway liable for wrecking the green spread around there.

India has its own booking towards woods and they have involved a significant situation from old occasions. The old Indian sacred texts, for example, Mahabharata and the Ramayana gives pleasant portrayals related to the woods life in dandakaranayaa and nandavana. Some were Mughal Heads who energized creation of the orchids famously called as 'bhags' and then again rulers like Ashoka and Shivaji gave orders and supported the planting relating to the trees along the streets and near campgrounds and disallowing the cutting of natural product trees. As a rule, before the advent of English standard in India, the

guideline of individuals utilization of backwoods was predominantly done through traditions and laws. These debilitated the cutting of trees like banyan, etc seeing its social, social and moral relationship with the general public. A few sanctuaries had backwoods viewed as consecrated and any cutting of trees was precluded. Indeed, even now there are some devrays in the nation.

African continent has the largest concentration of tribal population, followed by India.

The fundamental driver of backwardness of Innate populace and misuse and lack of education. Tribals keep on getting abused through alcohol and cash loaning. Financial improvement of tribals is preposterous without successful security against misuse and without improving proficiency. There is requirement for cautious perspective on circumstance. Absence of education has additionally been adding to the abuse of tribals. Because of different advances taken by focal and state governments, there has been some improvement in education among booked clans. Training has realized mindfulness and quality among the adolescent who are presently arranged to confront challenge of changed situation. Discontent among the tribals have been surfacing on numerous occasions either as isolated state or a fomentation for better arrangement of advancement.

SOCIO- ECONOMIC STATUS

The word “Adivasi” is a combination of ‘adi’, meaning beginning or of earlier times; while ‘vasi’ means resident of is generally translated as original inhabitants. Adivasis identity is quite uniquely different from neighboring people in many ways. The major reason is that Adivasis are put of Varna and caste system of Indian society. All evidences suggest that Adivasis are the first inhabitants of India. Internationally, they are known as indigenous people.

The term Adivasi was populated by the Adivasi scholar Jaipal Singh Munda during Jharkhand Statehood Movement. In the Indian Constitution, they have

been classified as Scheduled Tribes, who are guaranteed certain special rights and privileges under the fifth and sixth schedules, Part XVI and Article 46 of the Constitution. Out of estimated 744 tribal ethnic groups in India, 705 are notified as Scheduled Tribes in 30 States and UT's. However, certain Adivasis ethnic groups are yet to be notified. If they were the percentage of the Adivasi Population would certainly go up, which would have serious impacts of the demography and the politics of the country.

Unfortunately, the Indian Government has repeatedly denied Adivasis status as Indigenous People of India before the UN Working Group on Indigenous Population, even though on September 13, 2007, it became a party to the UNDRIP. In effect, this was the first official admission that Adivasis are India's Indigenous People.

This admission received legal support from the Apex Court of India on January 5, 2011: while hearing an appeal (the SLP (Cr.) no. 10367 of 2010 Kailas & ors. v. State of Maharashtra), the SC said that the tribal people are the descendants of the origin al inhabitants of India and as a group one of the most marginalized and vulnerable communities in India, whose historic injustice must be corrected. However, the Indian Government has failed spectacularly to take adequate measures to protect their fundamental rights.

As per the 2011 census the Indigeous People are 8.6% of the Indian Population, which is 104 million. About 85% of Adivasis live in Rajasthan, Gujarat, Madhya Pradesh, Chhattisgarh, Odisha, Jharkhand and West Bengal. About 12 % live in Assam, Arunanchal Pradesh, Nagaland, Meghalaya, Manipur, Tripura and the remaining 3% live in other states. The sex ratio for 1000 males, whereas the sex ratio of Adivasi community is 990 females per 1000 males, which shows the extent of gender-based equality in the community, which is much better than mainstream Indian society, where female foeticide and infanticide are the main reasons for determining the sex ratio.

The country's minister of women and child development, acknowledged this officially when she said that two hundred girls are killed in the womb every day. Some are born and have pillows on their face choking them. Female infanticide is a historic problem in India's patriarchal society, as daughters are often viewed as burdens because of the continuance prevalence of the dowry system.

Adivasis have been living in or around the forests in a rhythm close to nature, and their life cycles moving around the nature. They don't just depend on the resources from the nature for their livelihood: their identity, culture, autonomy, conscience. Tradition, ethos and existence based in the nature. The government data suggests that 89.9% of Adivasis still live in rural areas: just 10.1% have shifted to urban centers.

Another Adivasi scholar Dr. Ramdayal Munda, himself a record of Adivasi achievement describes the true character of the Adivasi community as a casteless and classless based on equality, community based economic system, co-existence with the nature, consent based self-rule, dignity and autonomy.

The Adivasi community could be termed as need-based or community-centric. It is also termed as subsistence or non-monetary economy, with little emphasis on making a profit. The traditional rural markets were more a place for sharing commodities than selling goods for profit. Most of the goods were produced by the community, for instance oil from seeds, brown mat, edibles, agricultural equipment etc. Modernization, despite all its positive impacts has become detrimental to Adivasi Community by imposing on it profit based economic system and thus all the ills of a market-dominated economy.

Adivasis who produced goods to exchange for the other goods in the rural markets have been strangled by the profit-based markets, which limits them by defining them consumers. For instance, businessman buy forest produce from Adivasis for money instead of the essential commodities.

Economic liberalization, globalization and privatization have made terrible impacts on the social fabric, economy, politics, culture and idea of community development. The self-dependent community has been almost compelled to become government-dependent due to various factors arising out of wrong policies, for example providing food grains through the public distribution system (PDS), housing schemes and forced land acquisition without free, prior and informed consent.

Adivasis are being alienated by their land, territory and resources and pushed out of forests to serve the corporate interest, resulting in resourcelessness. Landlessness and impoverishment of the community.

RESEARCH METHODOLOGY

LITERATURE REVIEW

My own dissertation work on *Environmental Rights of Indigenous People: An Empirical Study in respect to Ranchi District,* written in 2019-2020 towards the completion of my master's degree. The work was focused on what environmental rights are given to indigenous people through international treaties and their applicability to the indigenous people in India.

The work of T.C. Hudson on *The Naga Tribes in Manipur* written in 1911, deals with the Naga tribes of Manipur, which discusses the social and domestic life, the laws, customs, religious practices of the tribe. It tries to survey through all the Naga tribe in Manipur which also includes the Tangkhul Naga tribe. It is one of the early historical account recorded which was also referred in court judgement.

The *Constitutional and Administrative Growth of the North-East Frontier Agency* (1971) by P.N. Luthra, presents the administration of the Tribals in the NEFA and the administrative policy.

Verrier Elwin‟s *A philosophy for NEFA* (1957) attempts to examine the NEFA administration. The basic problems in all fields of social, cultural, religious are discussed, assessing the problems and his views in the NEFA. His perspective on the policy making to allow the tribal be more inclusive and self-sufficient are highlighted.

Julian Jacobs‟s The Nagas : Society, Culture and the Colonial Encounter (1990), discusses broadly on the culture and way of life, its origin, beliefs, custom, practices of the different Naga tribe. It has been recorded through the historical and anthropological perspectives. It explains the situation of the Nagas in the intrusion of the British and the emergence of the Naga Nationalism and Christianity, further elaborating on the response of the Indian government. It

looks at the present situation and conditions of Naga tribes with a broader focus on the state of Nagaland.

B.K. Roy Burman has been a great contributor on the works on tribals, indigenous people and their rights, especially in the case of India. His book, *Indigenous and Tribal Peoples: Gathering Mist and New Horizon*, (1994), explains „indigenous" and categorization of people commenting on salient features of the Draft 7 Declaration. It highlights the 73rd amendment and recommends on ways to frame policies for the north east region and for the tribals of India. His gave his observation on the Declaration and critique on the UN working group. It also mentioned the tribal situation of India in view of the reports brought about by the various commissions constituted by the government. *Tribes in Perspective*, (1994), is the first of his Series on Tribal Situation. It looks into the anthropological perspective, and the issues on conceptualization of tribe and its different approaches. He has done much of academic probe and associated with social activism primarily among the tribal communities.

G.S. Ghurye"s *The Scheduled Tribes*, reprinted in 1995, is a second and revised edition of his book *the Aborigines-So called and Their Future (1943)*. It describes the life and manners of the Scheduled Tribes in greater detail, and analyses their status after the independence of India.

Virginius Xaxa's, *State, Society and Tribes: Issues in Post-Colonial India*, (2008), examines the evolution of the concept of tribe and the debates on the originality of tribe as indigenous people. Looking at the common violation of the tribal rights, it highlights the issue based movements. It also analyses the process of empowerment and disempowerment of the tribals in India, and compares the differences in condition of the ST and SC and their reservations. It further deals with issues of the tribal identity and also their relationship of the environment and nature with the tribal people and its importance. It also discusses the position of tribal women in their society. In recognition of hi academic contribution, Xaxa

was later appointed to prepare a report on the States of tribals, which was submitted in 2014. This report is equally illuminating for any research on Scheduled Tribes in India.

Bengt. G. Karlsson and Tanka B. Subba (ed.) on *Indigeneity in India*, (2006), is a wide collection of articles incorporating a wide variety of views on varied aspects of indigeneity. Understanding the concept of 8 indigenous, specific cases on the tribes of India and their specific issues are discussed.

Insofar as the works on indigenous peoples at the conceptual and international level, Rodolfo Stavehagen‟s *The Ethnic Question, conflicts development and human rights* (1990), discusses the theory of ethnicity and introduces the complex ethnic problems. It also includes a chapter on the Indigenous and tribal peoples which illustrates on the legal status and the complex issues of the people.

James Anaya‟s *Indigenous Peoples in International Law* (2004) looks at the norm relevant for indigenous people, and elaborates on the elements of self-determination. It gives an overall picture of the rights of indigenous people at the international law.

The book of Ken S. Coates‟s *A Global History of Indigenous Peoples, struggle and survival* (2004), discusses the history of indigenous people in the global context, analyzing their commonalities and differences of the different indigenous groups related to their issues and struggle. It highlights the issues and the complexity in defining the indigenous people. It examines the origin of human being, their migration process, expansion and discovery of the indigenous population in different parts of the world. The intrusion of new comers, the discrimination encountered and the gradual recognition are discussed.

Claire Charters and Rodolfo Stavenhagen (ed.) document on *Making the Declaration Work, the United Nations Declaration on the Rights of Indigenous Peoples*, (2009), is a wide collection of articles. Its contributors have been a

member in the drafting of Declaration and their experiences have been reproduced in the book. It gives a great source of information on the working of the Declaration, its negotiation, and the issues revolving around the process of drafting.

As discussed in the review of literature a number of research works exists regarding the different tribes situated in the country. When it comes to the study of tribe, most of the existing works are related its anthropological study, or are restricted to the study of their history, and socio-cultural practices. There were also researches which tried to analyze on the structural changes, and traditional system of management and the ethnic conflict of the tribes. However, there is a dearth of literature in the study of the tribe as indigenous groups, and situating the rights of Schedule tribes under national and international laws and standards.

OBJECTIVES OF RESEARCH

1. To identify the rights of Indigenous people granted Internationally.
2. To identify the rights of Indigenous people granted in India.
3. To identify the implementation of international treaties in the national legislations.
4. To investigate and then analyse the application of the laws related to indigenous people on grass root level.

HYPOTHESIS

The tribal community in India is being readily exploited in India, in the guise of laws which are meant to protect them. The Indian government has contended in UN that each Indian falls under the definition of Indigenous People as laid down under UNDRIP. This contention has derailed the rights of the ST's living and situated in India.

METHODOLOGY

The methodology undertaken has been partially doctrinal and partially empirical. While choosing the research design, the doctrinal has been considered to understand the various rights availaible to the indigenous people on both international and national level. While, empirical study has been taken up to analyse the actual implementation and to find the group who is actually enjoying these rights at the grass root level.

NATURE OF RESEARCH

The nature of study as for the doctrinal part, the methodology adopted is oriented towards qualitative methods such as analysis, document and textual analysis has to be adopted in the study.

The nature of study for the empirical part, the data will be collected through primary sources such as questionnaire, schedule and interview which will be conducted both through the online method using google forms and physically visiting the tribal areas.

SCHEME/ STUDY OF CHAPTERISATION

The research will be divided into six chapters. First three chapters will be solely analyzing all the written text and laws available on the rights of Indigenous people. While one chapter is fully dedicated to the empirical study applying deductive method to deduce the implementation of all the laws on ST's in India.

The chapterisation is proposed as follows:

1. Introduction
2. Historical Perspective since the genesis of Schedule tribes in India
3. International Guidelines for the protection of rights of Indigenous people
4. Indian Perspective and guidelines in respect to Indigenous People
5. Claims and rights of indigenous people: An analysis
6. Conclusion

LIMITATIONS TO THE STUDY

The study has to be conducted comparing and analyzing the international norms and its applicability in India. India being a vast country both geographically and density wise make it complicated and expensive to conduct research. The economic condition and the literacy level of scheduled tribes and the other citizens of India on this topic is in itself a very big issue to resolve in a democracy like India. Though there are many Schedule Tribes situated in India mainly comprising the area of seven sisters, Orrisa, Jharkhand and certain parts of Madhya Pradesh. They have been in India since time immemorial.

The biggest issue is that our nation has claimed internationally that all the citizens of India fall under the category of indigenous people which is resulting in deprivation of the rights of all the Scheduled Tribes identified under the Constitution of India. Thus, finally resulting in non-applicability of laws to the segment of society who needs them the most and applicable to all sects equally.

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